

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Plaintiff,

Case No. 2:16-cv-13040  
District Judge Avern Cohn  
Magistrate Judge Anthony P. Patti

v.

ELITE HEALTH CENTERS, INC.,  
ELITE CHIROPRACTIC, P.C.,  
ELITE REHABILITATION, INC.,  
MIDWEST MEDICAL  
ASSOCIATES, INC., PURE  
REHABILITATION, INC., DEREK  
L. BITTNER, D.C., P.C., MARK A.  
RADOM, DEREK LAWRENCE  
BITTNER, D.C., RYAN MATTHEW  
LUKOWSKI, D.C., MICHAEL P.  
DRAPLIN, D.C., NOEL H. UPFALL,  
D.O., MARK J. JUSKA, M.D.,  
SUPERIOR DIAGNOSTICS, INC.,  
CHINTAN DESAI, M.D., MICHAEL  
J. PALEY, M.D., DEARBORN  
CENTER FOR PHYSICAL  
THERAPY, L.L.C., MICHIGAN  
CENTER FOR PHYSICAL  
THERAPY, INC., and JAYSON  
ROSETT

Defendants.

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**INTERIM ORDER REGARDING STATE FARM'S MAY 6, 2019 LETTER  
REQUEST (DE 454), HOLDING STATE FARM'S MOTION TO COMPEL  
JANET ROSENBERG TO PRODUCE DOCUMENTS RESPONSIVE TO**

**SUBPOENA (DE 341) IN ABEYANCE, AND CANCELLING MAY 10, 2019**  
**HEARING REGARDING DE 341 ONLY**

This matter is before the Court for consideration of State Farm Mutual Automobile Insurance Company's (State Farm) May 6, 2019 letter request for an emergency telephone conference to require nonparty Janet Rosenberg to search for responsive emails and text messages before the May 10, 2019 hearing on State Farm's motion to compel her to produce documents responsive to subpoena (DE 341). (DEs 454, 458.) A telephone status conference was held regarding this letter request and State Farm's motion on May 8, 2019, at which the Court entertained oral argument.

Upon consideration of the letter request and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, State Farm's motion to compel nonparty Janet Rosenberg to produce documents responsive to subpoena (DE 341) is **HELD IN ABEYANCE**. Nonparty Janet Rosenberg is **ORDERED** to complete and submit the online Google (or Gmail) form(s) for the two "deactivated" email accounts identified on the record ([jlynnrosenberg@gmail.com](mailto:jlynnrosenberg@gmail.com) and [janjanrose911@gmail.com](mailto:janjanrose911@gmail.com)) **on or before May 17, 2019**, requesting to recover or restore those two accounts. Counsel for State Farm and Rosenberg are thereafter directed to confer as to the results of that request and then seek a conference to

inform the Court as to whether State Farm intends to go forward with its motion to compel (DE 341). The hearing on State Farm's motion to compel (DE 341) currently scheduled for **May 10, 2019 at 1:30 p.m.** is **CANCELLED**.

**IT IS SO ORDERED.**

Dated: May 9, 2019

s/*Anthony P. Patti*

Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

**Certificate of Service**

I hereby certify that a copy of the foregoing document was sent to parties of record on May 9, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the  
Honorable Anthony P. Patti